

# CITY OF KENMORE

## Council Rules of Procedure

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**Section 1. General.** These rules constitute the official rules of procedure for the Kenmore City Council. In addition to these rules, the Council hereby adopts Robert's Rules of Order Newly Revised, a copy of which shall be maintained in the office of the Kenmore City Clerk. Where there is a conflict between these rules and Robert's Rules of Order, these rules shall govern. **(Resolution No. 06-117)**

**Section 2. Public Testimony/Comment.**

- A. **Oral and Written Comments.** The Council shall not take public testimony at the regular or special meetings except for testimony given at a public hearing or during the public comment portion of the meeting. During the citizen comment session, each member of the public may speak on one or more subjects for a total of three minutes. Suspension of this rule will require a majority of the members present. Motions are not appropriate during the public testimony/comment portion of a meeting. **(Resolution No. 06-117 and Resolution No. 06-123)**
- B. **Presiding Officer Response.** The Presiding Officer or designee shall have the discretion to address any issue raised by a citizen during the citizen comment session, to refer the matter to the staff for a resolution, or to direct to a future study session for discussion and/or thank the citizen for his/her comments. The Presiding Officer may appoint a designee to summarize the citizen comments. Councilmembers may ask questions of citizens or make comments for a total of up to one minute. If the questions result in a protracted discussion or debate, the Presiding Officer may refer the matter to a future study session or close the discussion and continue with the meeting. **(Resolution No. 06-117)**
- C. **Quasi-Judicial Matters.** Quasi-judicial actions involve policy application rather than policy making. The action will generally have a greater impact on specific individuals than on the entire community. The proceedings are focused on the Council arriving at a fact-based decision between two distinct alternatives – pro or con. Examples of matters that courts have ruled to be quasi-judicial if a public hearing is required include but are not limited to: conditional uses, variances, rezoning a specific site, Planned Unit Development approval (PUD), discretionary zoning permits, and other types of zoning changes which involve fact-finding and the application of general policy to a discrete situation. Quasi-judicial actions do not include the legislative actions of adopting, amending or revising comprehensive, community or neighborhood plans, or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance. **(Resolution No. 06-117)**
  - 1) **Oral Testimony:** Public oral testimony shall not be given on quasi-judicial matters outside of a public hearing except on matters of procedure. If a quasi-judicial matter is on the agenda, the public will be informed by the city attorney as to the restrictions on public comment. **(Resolution No. 06-117)**
  - 2) **Written Testimony:** If comments are provided in writing during the regular meeting, they may be submitted to the city manager

on quasi-judicial matters, and the city manager will determine the proper time to distribute the materials to the Council for their consideration. Such written comments must be filed with the city clerk no later than 1:00 p.m. of the Wednesday preceding the regular meeting. No material submitted later than this date and time will be considered by the Council until the next regular meeting. **(Resolution No. 06-117)**

- D. **Identification of Speakers.** Persons testifying shall identify themselves for the record as to name, address and organization. **(Resolution No. 06-117)**
- E. **Recording of Meetings.** The City Council meeting will be recorded by the city clerk. **(Resolution No. 06-117)**
- F. **Rules for Public Hearings (Not Quasi-Judicial Hearings).** The following rules shall be observed during any public hearing:
1. The Council establishes three minutes to speakers for comments during the public hearing.
  2. The Presiding Officer shall open the public hearing and ask for the staff presentation.
  3. Councilmembers may ask questions of staff.
  4. Members of the public shall be invited to provide comments.
  5. After all interested persons have had a fair opportunity to speak, the Presiding Officer shall declare the public hearing closed. The Council may, however, decide to allow for certain written materials to be presented to the Council for a period of time. This shall be decided by the Council and require a majority vote to continue the hearing to allow for the submission of additional materials.
  6. The Council shall deliberate and act. **(Resolution No. 06-117)**
- G. **Rules for Quasi-Judicial Public Hearings.** The Presiding Officer or his or her designee shall begin the hearing by asking Councilmembers to place on the record any ex-parte contacts with either proponents or opponents to the issue before Council at the hearing. Once this has been completed, the hearing will be conducted under the guidelines listed in Section F above. **(Resolution No. 06-117)**
- H. **Public Comments Outside of Public Hearing.** No person shall be allowed to address the Council while it is in session without the recognition of the Presiding Officer. **(Resolution No. 06-117)**

**Section 3. Waiver/Effect of Waiver of Rules.** These rules of procedure are adopted for the sole benefit of the members of the City Council to assist in the orderly conduct of Council business. These rules of procedure do not grant rights or privileges to members of the public or third parties. Failure of the City Council to adhere to these rules shall not result in any liability to the City, its officers, agents and employees, nor shall failure to adhere to these rules result in invalidation of any action of the Council. The City Council may, by a majority vote, determine to temporarily waive any of the provisions herein. **(Resolution No. 06-117)**

#### Section 4. Working Protocols and Agreements.

##### Courtesy Norms:

1. To be courteous and professional at all times.
2. To foster an environment of mutual respect for each other and to avoid discourteous behavior such as sidebar discussions or body language.
3. To be recognized by the Mayor before speaking in study sessions and full Council meetings by the raising of hands, and acknowledge the Mayor for being recognized.
4. To speak in turn after being recognized.
5. To refrain from criticizing colleagues and staff in public.
6. To have the staff follow up with citizens on issues brought before the Council.
7. To wait until citizens have returned to their seats in the audience before paraphrasing and responding to citizen presentations.
8. To enforce and adhere to the three-minute citizens' speaking rule.
9. To assist the Mayor in responding to citizens and clarifying key points.
10. To, at all times, treat staff in a polite and professional manner.  
(Resolution No. 06-117)

##### Respect our Differences, Honor Disagreement, and Vote and Move on:

1. Disagreement and differences are honored and respected features of government in Kenmore.
2. Councilmembers will be given time to explain their votes on issues at the time of roll call. The explanation will be no longer than one minute. Councilmembers are not required to make a public statement explaining their vote.
3. Do not seek out the media to vent feelings when on the losing end of a vote.
4. Do not criticize those who voted against your position on issues.
5. When there is media coverage of an issue, do not automatically assume that those who are in the minority on the particular issue initiated the media contact.

6. On key issues (selection of Mayor, bond issues, etc.) recognize the importance of a 7-0 vote for the good of the whole.
7. Once a vote has been taken on an issue, indicate you will support the policy/vote of the Council.
8. After a vote is taken on an issue, the Council recognizes the value of respecting both viewpoints on the policy/vote of the Council.
9. When in strong disagreement with your colleagues, simply tell them face-to-face of your views.  
**(Resolution No. 06-117)**

**Council/Staff Working Agreements:**

1. Councilmembers will focus on policy matters and not administrative issues.
2. The city manager is the primary point of contact between the City Council and the staff.
3. If a Councilmember wishes to influence the actions, decisions, recommendations, workloads, work schedule, or priorities of staff, that member must prevail upon the Council to do so as a matter of Council policy. No Councilmember shall direct the city manager, department directors or staff to initiate any action or prepare any report that is significant in nature, or initiate any significant project or study without the consent of a majority of Council. A matter shall be deemed to be "significant" if it would require more than one (1) hour of staff time. Once notified that a request for information or staff support would require one (1) hour, the Councilmember may seek the will of the Council during Council initiatives at an upcoming meeting.
4. **Council Role:**
  - a. Establish corporate culture.
  - b. Serve as primary liaison for citizens of the city.
  - c. Monitor and know how the City is being operated.
5. **City Manager Role:**  
Provide timely, useful information evenly and equally to all Councilmembers.  
**(Resolution No. 06-117)**

**No Surprise Rule:**

1. Make every attempt to notify staff in advance of public meetings about key questions and discussion points that the Council would like addressed during the policy discussion.
2. If necessary, elaborate in open session on key policy elements, etc. to establish for the public a formal record on policy issues under

consideration.

3. Councilmembers should call each other (no more than three councilmembers to avoid a quorum) on key issues to advise of emerging issues and/or to gain information from each other on policy issues.
4. The Council will use the Council initiative process to introduce new ideas or issues, or motions relating to the same.  
(Resolution No. 06-117 and Resolution No. 06-123)

**Role of the Mayor:**

1. The Mayor may hold monthly meetings with two Councilmembers and the city manager. Each Councilmember will have the opportunity to join in quarterly.
2. The primary role of the Mayor is to facilitate meetings and represent the city in a ceremonial capacity.
3. When the Mayor has a strong interest in a policy issue and/or agenda item, the Deputy Mayor can be asked to lead the Council meeting so the Mayor can participate fully in the agenda discussion.
4. The Mayor will use the "Council Report" section of the agenda to inform the Council of Mayor's activities for the past week.
5. The Mayor will use the Council initiative process to bring new issues to the Council.
6. An FYI announcement will be given in advance of those public presentations/ceremonies/events that the Mayor is invited to attend.
7. The Mayor will ask others on the Council to accompany or attend meetings in place of the Mayor when he/she cannot attend.  
(Resolution No. 06-117)

**The Council Initiative Process:**

1. Councilmembers will use the initiative process for new topics or issues. A new topic or issue, or motion relating to the same, will be first raised under the "Councilmember Initiatives" section of the agenda in a public meeting.
2. The topic/issue is first presented as a concept to include a statement of the problem (if known) and how the topic relates to existing City goals.

3. On emerging issues, Councilmembers can call their colleagues (no more than three councilmembers to avoid a quorum) and ask to have the item on the next available Council agenda.
4. It takes four votes to move an item from study session to the full regular Council meeting agenda.
5. If an agenda item on the regular Council meeting agenda has not been presented/discussed in a study session, two members can ask for the item to be moved to a study session for discussion. The item will be moved to a study session if there are four votes to do so. The item is removed for one week.

(Resolution No. 06-117 and Resolution No. 06-123)

**Section 5. Council Attendance and Voting Via Speakerphone (AVS)** From time to time, a Council Member will not be able to be physically present at a Council meeting, but will want to be involved in the discussion and/or decision on a particular agenda item. The procedure and guidelines for permitting a Council Member to attend a Council meeting via speakerphone is as follows:

- A. **The Rare Occasion** – Attendance via speakerphone should be the rare exception, not the rule, and AVS is limited to 3 times a year with the exception that it would take a majority vote of the Council to allow telephone voting to more than 3 times in a calendar year.
- B. **Attendance - Procedure**
  1. The Council member attending via speakerphone
    - a. must be able to hear the discussion on the agenda item taking place in the Council Meeting Room, and
    - b. must be able to be heard by all present in the Council Meeting Room.
  2. When the particular agenda item(s) is ready to be discussed, the Mayor (or presiding officer, if the Mayor is not physically present) should state for the record:
    - a. Let the record reflect that Council Member \_\_\_\_\_ is attending via speakerphone for Agenda Items(s) No. \_\_\_\_\_, relating to \_\_\_\_\_.
    - b. Council Member \_\_\_\_\_, can you hear me? (There must then be a clearly audible response in the affirmative.)
    - c. Let the record reflect that Council Member \_\_\_\_\_, who is attending via

speakerphone, can be heard by all present in the Council Meeting Room.

3. Upon conclusion of the particular agenda item(s), the Mayor (or presiding officer, if the Mayor is not physically present) should state:
  - a. Council Member \_\_\_\_\_, discussion Agenda Item(s) No. \_\_\_\_\_ has concluded. Thank you for your attendance via speakerphone. The telephone connection will now be terminated.
  - b. Let the record reflect Council Member \_\_\_\_\_'s attendance via speakerphone has been terminated.  
(Resolution No. 06-129)

**Section 6. Executive Sessions** From time to time, during an executive session, written Paper(s)/Document(s) will be distributed for informational purposes to the Council Members that are in attendance as part of the review of the topic discussion.

- A. **Paper(s)/Document(s) Rule** – Paper(s)/Document(s) that are distributed during executive sessions are to be turned back in by each Council Member prior to the end of the executive session. No Paper(s)/Document(s) are to be removed by a Council Member from the executive session unless there is unanimous consensus by those Council Members that are present that they approve that the Council Member(s) can remove/take the requested Paper(s)/Document(s) from the executive session.  
(Resolution No. 06-130)

#### RESOLUTION TABLE

Resolution No.	Adopted	Repealed
98-010	6/1/98	4/3/06
03-080	7/28/03	4/3/06
06-117	4/3/06	
06-123	9/11/06	
06-129	12/11/06	
06-130	12/11/06	

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Rod Kaseguma, City Attorney

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